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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,883	05/30/2001	Christopher Jay Davia	RSW920010104US1	7099

37945 7590 06/29/2004

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EXAMINER

VO, TED T

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/867,883

Applicant(s)

DAVIA ET AL.

Examiner

Ted T. Vo

Art Unit

2122

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04/26/04 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 26 May 2004. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, ~~the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.~~

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-16.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because:

Applicants' arguments have been fully considered. However, the arguments are not persuasive. Especially, in the remarks, at page 10, last paragraph, Applicants picked figure 7-6 and pointed out that Application B is sent to Applicant A for testing which captures unsent messages. Applicants argues that there is nothing in this section, or any other section of BEA, that teaches capturing input data entered into a primary test computer testing an application program and sending the input data from the primary test computer to a secondary test computer also testing the application program.

Examiner respectfully disagrees:

As asserted by Applicants "nothing in this section, or any other section of BEA, that teaches capturing input data entered into a primary test computer testing", Examiner would respond that the whole BEA teaches the broad recitation of the claim. The reference's applicant A and application B have means of Computer A and Computer B because BEA refers them to Client/server (Page 7-1, the fourth indentation). Application A and Application B stand for the testing computers. Relatively, if regards Application B as a primary test computer and A as a secondary test computer then Figure 7-6 is showing A is testing the input from B (See page 7-8, "Capture messages using Scripts"). Figure 7-6 shows "Creating script file simulating messaging" pointed to B; this is an input to B, the script file stands for a test program, and A tests the output (that is also input to B) sending from B. Examiner also refers to page 7-8: Capture messages using Scripts. It is noted that script file is created in B as shown in Figure 7-6. The words "Capture messages using Scripts" disclose, "capturing input data entered from the primary test computer". In the section "Capture messages using Scripts" it shows "SET RECEIVE"; this clearly shows a message is captured at B by this command and sent to A for testing.



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